IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2007

CORAM:

THE HONOURABLE MR.JUSTICE K. MOHAN RAM

Crl.O.P.Nos.28860 to 28863 of 2007
and M.P.Nos.1, 1, 1 and 1 of 2007

Vijay Dhandapani .. Petitioner in all the Crl.O.Ps.

-Vs.-

K.Ravi, Rep. by Sreeja Ravi .. Respondent in Crl.O.P.No.28860 of 2007
Mr. Madan Mohan, Rep. by Sreeja Ravi .. Respondent in Crl.O.P.No.28861 of 2007
Sreeja Ravi .. Respondent in Crl.O.P.No.28862 of 2007
Jayasree .. Respondent in Crl.O.P.No.28863 of 2007

Prayer: Petitions filed under Section 407 of the Code of Criminal Procedure to withdraw and to transfer C.C.Nos.2364, 2365, 2368 and 2369 of 2005, respectively, pending on the file of VIII Metropolitan Magistrate Court, Chennai.

For Petitioner in all the Crl.O.Ps. : Mr. Govindarajan
For Respondent in all the Crl.O.Ps : Mr. T.Ashok Kumar

C O M M O N O R D E R

Learned counsel for the petitioner in each of the petitions submitted that the petitioner has come forward with the present petitions seeking for the relief to withdraw and to transfer C.C.Nos.2364, 2365, 2368 and 2369 of 2005, respectively, pending on the file of the VIII Metropolitan Magistrate Court, Chennai.

2. Learned counsel submitted that the petitioner is the accused in C.C.Nos.2364, 2365, 2368 and 2369 of 2005, respectively, for the offence under Section 138 of the Negotiable Instruments Act filed by the respondent/complainant for the dishonour of cheques. He further submitted that the petitioner has good defence on his side to succeed in the case and he is a practising advocate. It was further submitted by him that right from the beginning of the cases, there was an undue haste in conducing trial and during trial he was pressurised to close the cases by settlement or to face conviction. He also submitted that the complainants

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are highly influential persons and are wielding money and political power due to their association with film industry. It is also submitted by the learned counsel for the petitioner that the petitioner is having reasonable apprehension that in view of the reasons stated above he may not get fair justice if the same is tried by the VIII Metropolitan Magistrate Court, Chennai.

3. Per contra, Mr.T.Ashok Kumar, learned counsel for the respondents/complainants in each of the petitions denied the averments made by the learned counsel for the petitioner and submitted there is absolutely no fault on the side of the respondents. He also agreed that the cases in question may be transferred to any other Court for which the petitioner is willing and fairly submitted that the respondents/complainants in each of the petitions are ready to accept the same.

4. I have carefully considered the submissions made by the learned counsel on either side and also perused the entire materials available on record including the affidavit filed by the petitioner herein. In view of the nature of allegation coupled with the fact of apprehension expressed by the petitioner, this Court is constrained to transfer the cases in C.C.Nos.2364, 2365, 2368 and 2369 of 2005, respectively, pending on the file of the VIII Metropolitan Magistrate Court, Chennai, to the file of the 12th Judge, Small Causes Court, Chennai - 600 104. The VIII Metropolitan Magistrate Court, Chennai, is hereby directed to send the case records relating to C.C.Nos.2364, 2365, 2368 and 2369 of 2005, respectively, pending on its file to the XII Small Causes Court, Chennai. It is also made clear that the petitioner shall co-operate with the Court to enable the Court below to dispose of the cases. It is further directed that the XII Judge, Small Causes Court, Chennai, is directed to dispose of the cases as expeditiously as possible and more particularly within a period of two (2) months from the date of receipt of the records from the learned VIII Metropolitan Magistrate Court, Chennai.

5. The criminal original petitions are ordered on the above terms. Consequently the connected MPs are closed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The VIII Metropolitan Magistrate Court,
   Chennai.

2. -do-thro' The Chief Metropolitan Magistrate,
   Egmore, Chennai-6.

3. The XIIth Judge, Small Causes Court, Chennai.

4. The Registrar, Small Causes Court,,
   Chennai.

1 cc To Mr.Govindarajan, Advocate, SR.64658.
4 cc To Mr.T.Ashok Kumar, Advocate, SR.65034 to 65037.

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RVL 05.11.2007

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